



## APPLICATION FOR RECORDS RETENTION SCHEDULE

OFFICE OF THE SECRETARY OF STATE  
DEPARTMENT OF ARCHIVES AND HISTORY  
RECORDS MANAGEMENT DIVISION

INSTRUCTIONS: See Publication No. 76-RM-1 for instructions on completing this form. Forward signed original to Department of Archives and History, Records Management Division, 330 Capitol Avenue, Atlanta, Georgia, 30334, Attention: Scheduling Section.

FOR AGENCY USE		FOR RECORDS MANAGEMENT USE	
Application Date	1. Agency Address Department of Natural Resources Adjudicatory Hearing Office 270 Washington St., SW, Room 815 Atlanta, Georgia 30334	Application Number	85-76
Application Number		Date Received MAR 13 1985	Date Completed MAR 10 1986
2. Person to Contact Jean Speegle		Working Title Adjudicatory Hearing Clerk	Telephone Number 656-3508
3. Action Requested a. <input checked="" type="checkbox"/> Establish Retention Schedule; record will continue to accumulate. b. <input type="checkbox"/> Dispose of present accumulation; no further accumulation anticipated. c. <input type="checkbox"/> Amend Application No. _____ Check One: <input type="checkbox"/> Change; <input type="checkbox"/> Supersede; <input type="checkbox"/> Void			
4. Dates of Series Earliest 1974	Latest to date	5. Records Series Title (followed by title used in office; if different) Administrative Hearing Case Files	
6. Division and Office Function What is the function of the Division and the Office in which this record series is created? The Adjudicatory Hearing Office is responsible for receiving all requests for hearings and related case filings directed to the Board of Natural Resources by parties or their legal counsel contesting administrative decisions or actions by the Commissioner of Natural Resources, the Director of the Environmental Protection Division, and the Shore Assistance and Marshland Protection Committees; and hearings requested by the Department for the purpose of determining whether civil penalties for specific violations should be imposed in accordance with applicable laws. The Administrative Law Judge (ALJ) is appointed by the Board to conduct the hearings under rules and regulations filed under the "Georgia Administrative Procedure Act" and to issue final decisions. The ALJ also serves as the Department's response official for merit employees who request a review of a proposed adverse employment action by the Commissioner of Natural Resources or the Director of the Environmental Protection Division.			
7. Record Series Description This file contains the following documents (include form numbers and titles, if any): Attach samples of the file. Documents relating to: conducting administrative hearings, issuing final decisions, and maintaining related hearing records. Included are: individual folders for each case containing all related pleadings and motions; original transcripts of oral hearings or arguments; written direct or rebuttal testimony; data, studies, reports, documentation, information, and other exhibits of any kind submitted in the proceedings; a statement of matters officially noticed; proposed findings, conclusions and briefs; final decisions of the Administrative Law Judge; and related correspondence. Also included are case subject indices which serve as a cross-reference to the case files. File is arranged: Hearing Case Files - chronologically; thereunder by assigned case number. Subject indices - alphabetically by case subject; thereunder by case number.			
8. Monthly Reference Rate How often are records referred to which are: One to six months old * _____; Seven to twelve months old * _____; Thirteen to twenty-four months old * _____; twenty-five months and older * _____? * Very seldom after final order is issued.			
9. Annual Rate of Accumulation of Records Letter-size drawers _____; Legal-size drawers 1 _____; Shelves _____; Other (specify) _____			

X	If not, where is it?
X*	b. Does the series contain confidential information requiring security handling? If yes, cite law or regulation.
X	c. Is this a vital record?
X	d. Does this series have historical or long term research value? Decisions precedential for future cases and result in Environmental Defense Law.
NA	e. When one or two documents in the file make it necessary to keep the entire file for a long period, could these documents be scheduled separately?
X	f. Is the information contained in this series ever published? If yes, attach copy.
X	g. Is the information contained in this series ever analyzed and/or recorded in a summarized report? If yes, attach copy.
X**	h. Is there a duplication of this series in your office, or in another office or agency? If yes, where? Attorney General's Office
X	i. Is this series (or a major portion of it) regularly microfilmed?
X	j. Does the record series result in a computer printout?

# 11. Retention Requirements

The following requires the series to be kept:

- |                          |                          |                                   |                  |
|--------------------------|--------------------------|-----------------------------------|------------------|
| a. State Law             | <u>permanent*</u> years. | d. Audit period                   | _____ years.     |
| b. Statute of limitation | _____ years.             | e. Administrative need            | <u>10</u> years. |
| c. Federal law           | _____ years.             | f. Federal retention instructions | _____ years.     |

Attach copy or excerpt of laws or regulations. Explain administrative need.

The decision in a hearing may have precedential value in later hearings.

\*11(a) Some documents must be retained permanently (See O.C.G.A. 50-13-17 attached)

# 12. Approved Disposition Instructions

This agency recommends that the file series be cut off at the end of each:

Hearing Case Files

☒ Calendar Year; ☐ Fiscal Year; ☐ Other \_\_\_\_\_ then,

☒ Hold in the current files area \_\_\_\_\_ month(s) 1 year(s); then

☐ Transfer to local holding area, hold \_\_\_\_\_ year(s); then

☐ Transfer to State Records Center; hold \_\_\_\_\_ year(s); then

☐ Destroy.

☒ Transfer to State Archives for permanent retention. NOTES:

☒ Other (Specify)

1. Prior to transfer to State Archives, remove and destroy all contents of files except:

(a) the Final Decision;

(b) All pleadings which frame the issues for decision;

(c) any prehearing submission or order which frames or limits the issues (without exhibits); and

(d) any other pleading or document determined by the Administrative (cont)

\* Very occasionally material in an individual case file may be confidential pursuant to 10(b) DNR Rule 391-3-6-.06.

some

\*\*10(h). Appealed cases result in/permanent records via the Superior Courts (O.C.G.A. 50-13-19(e))

These instructions apply to all prior and future accumulations of the series.

Agency Head/Designee (Signature)	Date	Records Management Officer (Signature)	Date
<i>Leonard J. Elliott</i>	3/5/85	<i>Pat Harrison</i>	3-5-85
Recommendations in paragraph 12 are approved. (If disapproved, attach letter of explanation.)		State Records Committee (Signature)	Date
		State Auditor/Designee	9/9/85
		Secretary of State/Designee	9/5/85
		Attorney General/Designee	3/7/86

APPLICATION FOR RECORDS RETENTION SCHEDULE  
Department of Natural Resources  
"Administrative Hearing Case Files"  
Retention Schedule No. 85-76  
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Item 12 (continued)

1(d) continued:

Law Judge to be of significance to the outcome or otherwise of historical or precedential value.

2. Return documentary and physical evidence to party submitting it prior to transferring files to State Archives (DNR Rule 391-1-2-.24(4)).

Subject Indices - Transfer corresponding subject index (for each shipment of Hearing Case Files) to State Archives for permanent retention.